UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Jonathan Lee Riches, # 40948-018, Plaintiff, vs. Martha Stewart, doing business as Martha Stewart Living OmniMedia,Inc.; and Philip Woolston, *dba* FCI Williamsburg Teacher, Defendants.	)	**C/A No. 4:07-3425-MBS-WMC** **ORDER**

This is a civil action brought by a federal prisoner. In the event that a limitations issue arises, the plaintiff shall have the benefit of the holding in *Houston v. Lack*, 487 U.S. 266, 270-276 (1988) (prisoner's pleading was filed at moment of delivery to prison authorities for forwarding to District Court). Under Local Civil Rule 73.02(B), pretrial proceedings in this action have been automatically referred to the undersigned United States Magistrate Judge.

TO THE PLAINTIFF:

The above-captioned case is not in "proper form." **If this case is not brought into "proper form" within the time period specified in this order, this case may be dismissed.** Under the General Order (Misc. No. 3:07-5014-JFA) signed on September 18, 2007, the undersigned is giving the plaintiff *twenty (20) days* from the date this order is entered (plus three days for mail time pursuant to FRCP 6(e)) to:

> 1) Complete and sign a separate Form USM-285 for each defendant sued, a separate Form USM-285 for the Attorney General of the United States, and a separate Form USM-285 for the United States Attorney for the District of South Carolina.[1] *This means that the plaintiff must complete and sign a*

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[1]The *pro se* plaintiff is, hereby, apprised of Rule 4(i) of the Federal Rules of Civil Procedure. Rule 4(i) provides:

> **(i) Service Upon the United States, and Its Agencies, Corporations, or Officers.**

(continued...)

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separate Form USM-285 for Martha Stewart, a separate Form USM-285 for Philip Woolston, a separate Form USM-285 for the Attorney General of the United States, and a separate Form USM-285 for the United States Attorney for the District of South Carolina. Only one defendant's name should appear on each form. Blank forms are attached for the plaintiff's use. The plaintiff must provide the particular defendant's complete address on each individual

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(...continued)

(1) Service upon the United States shall be effected

(A) by delivering a copy of the summons and of the complaint to the United States attorney for the district in which the action is brought or to an assistant United States attorney or clerical employee designated by the United States attorney in a writing filed with the clerk of the court or by sending a copy of the summons and of the complaint by registered or certified mail addressed to the civil process clerk at the office of the United States attorney and

(B) by also sending a copy of the summons and of the complaint by registered or certified mail to the Attorney General of the United States at Washington, District of Columbia, and

(C) in any action attacking the validity of an order of an officer or agency of the United States not made a party, by also sending a copy of the summons and of the complaint by registered or certified mail to the officer or agency.

(2) Service upon an officer, agency, or corporation of the United States, shall be effected by serving the United States in the manner prescribed by paragraph (1) of this subdivision and by also sending a copy of the summons and of the complaint by registered or certified mail to the officer, agency, or corporation.

(3) The court shall allow a reasonable time for service of process under this subdivision for the purpose of curing the failure to serve multiple officers, agencies, or corporations of the United States if the plaintiff has effected service on either the United States attorney or the Attorney General of the United States.

(Fed. R. Civ. P. 4(i)).

The mailing address of the United States Attorney for the District of South Carolina is 1441 Main Street — Suite 500, Columbia, South Carolina 29201. The mailing address of the Attorney General of the United States is 5111 Main Justice Building, 10th Street & Constitution Avenue, NW, Washington, D.C. 20530.

form. The plaintiff's name and address should be placed in the space designated "SEND NOTICE OF SERVICE COPY TO . . .", and the plaintiff should sign where the form requests "Signature of Attorney or other Originator . . . ." The plaintiff must provide the particular defendant's complete address on each individual form.

2) Complete a separate summons form for each defendant sued, a separate summons form for the Attorney General of the United States, and a separate summons for the United States Attorney for the District of South Carolina ***OR*** complete one summons listing the defendants, the Attorney General of the United States, and the United States Attorney for the District of South Carolina. In the space preceded by "TO:," the plaintiff is required to provide the name of the defendant and the full address where the defendant can be served. The plaintiff's name and address should be printed in the section for "PLAINTIFF'S ATTORNEY (name and address)" on the summons. Blank forms are attached for the plaintiff's use.

3) Complete and sign the enclosed Financial Certificate. The plaintiff must send the Financial Certificate to his correctional institution's mailroom so that the Federal Bureau of Prisons finance section can put the needed information on the Financial Certificate and return it to the plaintiff. Once the plaintiff has received the Financial Certificate back from the finance section, he must return the Financial Certificate to the Office of the Clerk of Court for the United States District Court for the District of South Carolina.

4) Complete and sign the enclosed motion to proceed *in forma pauperis* (Form AO 240) and return it to the Clerk's Office.

5. Answer and sign the Plaintiff's Answers to Court's **Special** Interrogatories.

The plaintiff is reminded that all of the "proper form" documents should be sent to the Office of the Clerk of Court in Greenville (Post Office Box 10768, Greenville, South Carolina 29603). The plaintiff must place the civil action number (C/A No.) listed above on any document he submits to this court pursuant to this order in the above-captioned case. In the meantime, no process shall issue until the aforementioned items have been reviewed by the undersigned.

The plaintiff is a *pro se* litigant. His attention is directed to the following important notice:

You are ordered to always keep the Clerk of Court advised **in writing** (**Post Office Box 10768, Greenville, South Carolina 29603**) if your address changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this order, you fail to file something you are required to file within a deadline set by a District Judge or a Magistrate Judge, **your case may be dismissed for violating this order.** Therefore, if you have a change of address before this case is ended, **you must comply with this order by immediately advising the Clerk of Court in writing of such change of address and providing the Clerk of Court with the docket numbers of all pending cases you have filed with this court.** Your failure to do so will not be excused by the court.

Put this order with your own record of this case so that you will not overlook your duty. If an attorney serves you by mail on behalf of a defendant or a respondent, you also have a duty to notify that attorney if your address is to be changed for mail purposes.

If your jail or prison address changes in the future, you must provide your new jail or prison address (or your new address if you are released from jail or prison).

All pleadings filed in this case by the plaintiff shall be signed by the plaintiff with his full legal name written in his own handwriting. *Pro se* litigants, such as the plaintiff, shall *not* use the "s/typed name" format used in the Electronic Case Filing System. In all future filings with this court, the plaintiff is directed use letter-size paper,[2] to write or type text on one side of a sheet of paper only, and not to write or type on both sides of any sheet of paper.[3] The plaintiff is further instructed not to write to the edge of the paper, but to maintain one-inch margins on the top, bottom, and sides of each paper submitted.

TO THE CLERK OF COURT:

The Clerk of Court shall mail a copy of this order and the "proper form" documents (Financial Certificate, motion to proceed *in forma pauperis*, Plaintiff's Answers to Court's **Special** Interrogatories, four blank Forms USM-285 and four blank summonses) to the plaintiff.

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[2]Letter-size paper is 8½ inches by 11 inches. The federal district courts stopped accepting pleadings on legal-size paper in 1983. *See*, *e.g.*, *United States v. White*, 53 F. Supp. 2d 976, 981 (W.D. Tenn. 1999).

[3]Pursuant to Section 205 of the E-Government Act of 2002, Pub. L. 107-347, December 17, 2002, 111 Stat. 2899, this court has implemented Case Management-Electronic Case Filing (CM-ECF). For this purpose, *pro se* filings are scanned to create electronic docket records. Therefore, the use of only one side of a sheet of paper is required. Also, double-sided pages are difficult to "scan" into the CM-ECF system.

The Clerk of Court shall *not* enter any change of address submitted by the plaintiff which directs that mail be sent to a person other than the plaintiff unless that person is an attorney admitted to practice before this court, and the attorney has entered an appearance in this case.

If the plaintiff fails to provide to the Clerk of Court the items listed above within the period prescribed in this order, the Office of the Clerk of Court shall forward the file in the above-captioned case to the United States District Judge or Senior United States District Judge assigned to this case for a final order.[4] If, however, the plaintiff provides this court with the items listed above, the Office of the Clerk of Court should forward the file to the Magistrate Judge to determine if service of process should be authorized.

IT IS SO ORDERED.

October 29, 2007 s/William M. Catoe
Greenville, South Carolina United States Magistrate Judge

The plaintiff's attention is directed to the important warning on the next page.

[4] *See* General Order filed on September 18, 2007, Misc. No. 3:07-MC-5014-JFA.

IMPORTANT INFORMATION . . . PLEASE READ CAREFULLY

WARNING TO *PRO SE* LITIGANTS

All Documents That You File with the Court Will Be Available to the Public on the Internet Through Pacer (Public Access to Court Electronic Records) and the Court's Electronic Case Filing System.

YOU **ARE RESPONSIBLE FOR PROTECTING YOUR IDENTITY FROM POSSIBLE THEFT.** ***YOU*** **MUST REMOVE CERTAIN** ***PERSONAL IDENTIFYING INFORMATION*** **FROM ALL DOCUMENTS** ***BEFORE*** **YOU SUBMIT THE DOCUMENTS TO THE COURT FOR FILING. IT IS NOT THE COURT'S RESPONSIBILITY TO REMOVE PERSONAL IDENTIFYING INFORMATION FROM YOUR DOCUMENTS BEFORE THEY ARE ELECTRONICALLY DOCKETED.**

Under the Privacy Policy of the Judicial Conference of the United States, *a litigant, whether represented by counsel or appearing pro se, must not put certain types of the litigant's (or any other person's) personal identifying information in documents submitted for filing to any United States District Court.* This rule applies to ***ALL*** documents submitted for filing, including pleadings, exhibits to pleadings, discovery responses, and any other document submitted by any party for filing. If the litigant finds it necessary to submit a document containing personal identifying information, the litigant must "black out" or redact the personal identifying information prior to submitting the document to the Office of the Clerk of Court for filing.

1. Types of personal information that **MUST** be removed or redacted from documents before filing:

(a) Social Security numbers. If an individual's social security number must be included in a pleading, only the last four digits of that number shall be used.
(b) Names of Minor Children. If the involvement of a minor child must be mentioned, only the initials of that child shall be used.
(c) Dates of Birth. If an individual's date of birth must be included in a pleading, only the year shall be used.
(d) Financial Account Numbers. If financial account numbers are relevant, only the last four digits of these numbers shall be used.
(e) Juror Information. If a document containing identifying information about a juror or potential juror must be filed (*e.g.*, verdict form or indictment), all personal information identifying a juror or potential juror must be redacted.

2. Other sensitive personal information of the litigant (or any other person) that should be considered for possible removal or redaction:

Any personal identifying number, including a driver's license number; medical records; employment history; individual financial information; proprietary or trade secret information; information regarding an individual's cooperation with the government; information regarding the victim of any criminal activity; national security information; and/or sensitive security information described in 49 U.S.C. § 114(s).